

Preservation Update: Lincoln Center

by Gregory Dietrich

There is a truism in Historic Preservation that the only true regulatory controls come from local ordinances, and perhaps no other process has exemplified this better than the redevelopment project under way at Lincoln Center. Opined as eligible for listing on the State and National Registers of Historic Places* in 2000 but never heard or designated a New York City landmark, Lincoln Center has been subject to regulatory reviews and public hearings triggered by local, state, and federal laws that in the end have done nothing to protect its character-defining features as one of the most significant architectural and landscape ensembles of American postwar design.

The Local Level - CEQR/ULURP

On the local level, the redevelopment proposal was subject to the City Environmental Quality Review (CEQR)/Uniform Land Use Review Procedure (ULURP), which were triggered by proposed changes to the City Map via the introduction of a restaurant in the North Plaza and the expansion of sidewalks on West 65th Street; special modification permits to alter the Juilliard School; a zoning text amendment for increased signage heights; and for the installation of multiple electronic signs along West 65th Street. The New York City Landmarks Preservation Commission's Environmental Unit (NYC-LPCEU) is charged with conducting reviews of Environmental Assessment Statements under CEQR and in this case, the NYC-LPCEU signed off with a negative declaration — meaning no adverse effect — while simultaneously concurring with the state's previous findings of historic and architectural significance. This negative declaration enabled the application to proceed to ULURP without the requirement of any further environmental studies. Separate from its CEQR review, the NYC-LPC also bypassed its opportunity to initiate proceedings to consider the complex for either individual landmark or local historic district designation.

The ULURP process entailed certification by the Department of City Planning, recommendations from Community Board 7 (CB 7) and former Borough President Virginia Fields, a public hearing by the City Planning Commission, review and approval by City Council, and a discretionary review by Mayor Bloomberg. A host of preservation groups and interested parties offered oral and written testimony at the City Planning Commission (CPC) and CB 7 hearings during 2005, mostly focusing on issues pertaining to the redesign of Dan Kiley's North Plaza landscape and Pietro Belluschi's Juilliard School, while also praising other elements of the redevelopment plan as being consistent with sound urban planning practices. In spite of testimony, a follow-up meeting with the Lincoln Center 65th Street Working Group, Lincoln Center Inc., and multiple follow-up letters to the Center's parent organization, the majority of comments were not incorporated into the final plan that the CPC subsequently certified. The current dismantling of Kiley and Belluschi's signature works are what followed.

* The State and National Registers are official, public lists of cultural resources worthy of preservation.

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The State Level - Section 14.09

On the state level, the redevelopment application was subject to Section 14.09 of the New York State Historic Preservation Act which was triggered by project funding from the Empire State Development Corporation (ESDC). Section 14.09 specifies that the lead agency overseeing any involvement of state land, funding, or permitting in a development consider effects on historic properties. In an independent review, the New York Office of Parks, Recreation and Historic Preservation (NY-OPRHP) determined that the proposed redevelopment would exert an adverse effect on the complex. As a result, a Memorandum of Agreement between Lincoln Center, ESDC, and NY-OPRHP was subsequently drafted in order to ensure that the NY-OPRHP would have the opportunity to review all future capital projects, informed by existing conditions studies of the buildings, but without any provision for regulatory authority.

The Federal Level - Section 106 and NEPA

On the federal level, Lincoln Center's application was subject to Section 106 of the National Historic Preservation Act and the National Environmental Policy Act (NEPA). Similar to Section 14.09, Section 106 specifies that the lead agency overseeing any involvement of federal land, funding, or permitting in a development consider effects on historic properties under the regulatory oversight of the NY-OPRHP. Lincoln Center's proposed transportation improvements to West 65th Street involved \$20 million of funding from the Federal Transit Administration (FTA), which in turn became the lead federal agency on the project. NEPA was also triggered by this federal funding.

The NY-OPRHP engaged in ongoing communications with the FTA in response to the redevelopment project's potentially adverse effects on the center's character-defining features. However, the FTA countered that its funding of the project was to be solely allocated to the improvements to the center's underground parking and West 65th

Street improvements, and not to any of the other capital projects affecting its historic fabric. Ultimately, the NY-OPRHP relented and concurred with the FTA's finding without bringing in a third party to resolve the matter.

Conflict Resolution?

When disagreements arise between a lead agency and a state historic preservation office, they are usually forwarded to the Advisory Council of Historic Preservation, an independent federal body in Washington, DC, for resolution. Past rulings by the Council on similar matters suggest that the FTA may have abetted Lincoln Center in the segmentation of its application. Segmentation entails submitting projects for review on a piecemeal basis in order to avoid regulatory requirements that otherwise might occur through a comprehensive project submission. Since Section 106 gives equal weight to projects that have direct or indirect involvement by a federal agency, the burden of proof would be on Lincoln Center and the FTA to demonstrate that its transportation improvement project was not funding part of the larger Lincoln Center Master Plan for Redevelopment currently under way — a large part of which was already submitted as a single application under CEQR/ULURP.

Regardless, it is evident that none of these regulatory processes — which are consultative at best — have served the public in its desire to protect an internationally significant place that matters. The NYC-LPC simultaneously acknowledges Lincoln Center's significance yet rejects its preservation; the NY-OPRHP defends its preservation yet finds its comments subordinated to the lead agencies on the project; and the City as a whole continues to push the project along as if it were the only viable alternative to urban revitalization. Taken together, this antipathy toward historic preservation may very well seal Lincoln Center's fate as it devolves over time from a mid-20th-century Modern icon to a mid-21st-century shell of its former self.

Gregory Dietrich is a senior architectural historian with Cultural Resource Consulting Group (CRCG) and the primary author of the Lincoln Center National Register Nomination, commissioned by LWI.



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This photo by Arnold Newman celebrating Lincoln Center's architects dates from 1959. From left to right, Edward Matthews (SOM), Philip Johnson, Joseph Mielziner, Wallace Harrison (standing), John D. Rockefeller III, Eero Saarinen, Gordon Bunshaft, Max Abramovitz, Pietro Belluschi.